

United States Senate

WASHINGTON, DC 20510

COMMITTEES:

COMMERCE, SCIENCE, AND TRANSPORTATION

ENVIRONMENT AND PUBLIC WORKS

INDIAN AFFAIRS

RULES AND ADMINISTRATION

CG Docket No. 09-158

October 7, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

1603

Dear Chairman Genachowski:

I am writing to urge that the Federal Communications Commission take strong action to protect consumers from cell phone "bill shock."

According to the Commission's survey of cell phone users, thirty million Americans—about one in six adult cell phone users—have experienced "bill shock," or a sudden spike in their monthly phone bill when they have not changed their service plans. This survey also found that, in one in four cases, the additional charges were greater than \$100 dollars. News reports highlight outrageous examples such as the parents of one teen whose cell phone data usage led to a \$22,000 bill and another man who was billed \$18,000 dollar for a six-week period when his son used a cell phone to connect a computer to the Internet.

The increased popularity of smartphones like BlackBerries and iPhones make it easier for Americans to exceed their service limits without knowing it. This is especially true for those who share multiple phones as part of a family plan. Although consumers can already access their phone usage by requesting this information from their cell phone provider, the Commission's survey found that almost 85 percent of American consumers who suffered bill shock were not alerted that they were about to exceed their allowed phone use.

In many cases, a simple alert message would help consumers avoid bill shock and overcharges. That is why I introduced legislation, the Cell Phone Bill Shock Act (S.3872), to require that cell phone companies notify customers, free of charge, when they have used 80 percent of their limit of voice minutes, text messages, or data usage. My legislation would also require cell phone companies to obtain customers' consent before charging for services not included in their monthly plan.

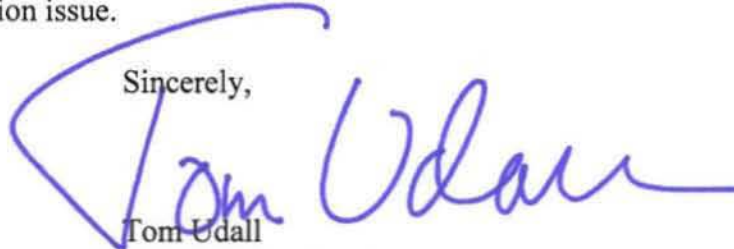
Consumer advocacy groups such as Consumers Union, the publisher of Consumer Reports magazine, endorse the notification and customer consent provisions of the Cell Phone Bill Shock Act since there are currently no requirements protecting American consumers from being caught off guard by unexpectedly high cell phone bills. Cell phone companies in the European Union, however, must already send similar customer notifications and obtain consent for roaming charges.

STATE OFFICES:

I am pleased that the Commission opened a Notice of Inquiry related to cell phone bill shock. As the Commission further examines this issue at its October 14th meeting, I encourage you to consider the notification and customer consent principles of the Cell Phone Bill Shock Act in order to help consumers avoid bill shock.

Thank you for your consideration and reply. I look forward to working with you on this important consumer protection issue.

Sincerely,



Tom Udall
United States Senator